

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Petition of USTelecom for Forbearance Pursuant
to 47 U.S.C. § 160(c) to Accelerate Investment in
Broadband and Next-Generation Networks

WC Docket No. 18-141

ORDER

Adopted: July 2, 2019**Released: July 2, 2019**

By the Chief, Wireline Competition Bureau:

1. On May 4, 2018, USTelecom—The Broadband Association (USTelecom) filed the above-captioned petition for forbearance, in which it seeks relief from three categories of requirements applicable to incumbent local exchange carriers (LECs) or subsets thereof.¹ One category includes incumbent LEC-specific unbundled network element (UNE) and resale mandates in sections 251(c)(3) and (4) and associated obligations under sections 251 and 252 of the Communications Act.²

2. On July 1, 2019, USTelecom filed a request for approval to withdraw “any and all . . . pending requests for forbearance identified in Appendix A of the Petition,” with the exception of “(1) unbundling obligations for DS1 and DS3 transport and analog voice-grade copper loops under Section 251(c)(3) of the Act and the Commission’s rules, and associated Section 251 and Section 252 obligations under the Act and the Commission’s rules; and (2) avoided cost resale obligations under Section 251(c)(4) of the Act and associated Section 251 and Section 252 obligations under the Act and the Commission’s rules.”³ USTelecom seeks to withdraw this portion of the Petition “without prejudice as to

¹ Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks, WC Docket No. 18-141 (filed May 4, 2018) (Petition); *see also Pleading Cycle Established for Comments on USTelecom’s Petition for Forbearance from Section 251(c) Unbundling and Resale Requirements and Related Obligations, and Remaining Sections 271 and 272 Requirements*, WC Docket No. 18-141, Public Notice, DA 18-475 (WCB May 8, 2018) (enumerating the three categories of requirements covered by the petition). The Commission issued an order on April 15, 2019 granting USTelecom’s requested relief for two of the three categories of relief related to sections 271 and 272 requirements. *See Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks; 2000 Biennial Regulatory Review Separate Affiliate Requirements of Section 64.1903 of the Commission’s Rules*, WC Docket No. 18-141, CC Docket No. 00-175, Memorandum Opinion and Order, FCC 19-31 (rel. Apr. 15, 2019).

² 47 U.S.C. §§ 251, 252; *see also* Petition at 24-33, App. A-1.

³ *See* Letter from Patrick R. Halley, Sr. V.P., Policy & Advocacy, USTelecom—The Broadband Association, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 18-141 (filed July 1, 2019). On June 18, 2019, the Bureau approved USTelecom’s previous request to withdraw its request for forbearance relief from “dark fiber transport unbundling requirements.” *Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks*, WC Docket No. 18-141, Order, DA 19-573 (WCB June 18, 2019).

further action.”⁴ The Wireline Competition Bureau hereby grants this request and dismisses the withdrawn portion of the petition without prejudice.⁵

3. ACCORDINGLY, IT IS ORDERED, pursuant to section 1.59(b) of the Commission’s rules, 47 C.F.R. § 1.59(b), and sections 0.91 and 0.291 of the Commission’s rules, 47 C.F.R. §§ 0.91, 0.291, that the July 1, 2019 request of USTelecom to withdraw the request in its May 4, 2018 petition for forbearance from “any and all . . . pending requests for forbearance identified in Appendix A of the Petition,” with the exception of “(1) unbundling obligations for DS1 and DS3 transport and analog voice-grade copper loops under Section 251(c)(3) of the Act and the Commission’s rules, and associated Section 251 and Section 252 obligations under the Act and the Commission’s rules; and (2) avoided cost resale obligations under Section 251(c)(4) of the Act and associated Section 251 and Section 252 obligations under the Act and the Commission’s rules” IS GRANTED and that the withdrawn portion of the petition IS DISMISSED WITHOUT PREJUDICE.

4. IT IS FURTHER ORDERED, pursuant to section 1.102(b)(1) of the Commission’s rules, 47 C.F.R. § 1.102(b)(1), that this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Kris Anne Monteith
Chief
Wireline Competition Bureau

⁴ *Id.*

⁵ See 47 C.F.R. §§ 0.91, 0.291; see also *Petition for Forbearance of USTelecom Pursuant to 47 U.S.C. § 160(c) from Enforcement of Obsolete ILEC Legacy Regulations That Inhibit Deployment of Next-Generation Networks*, WC Docket No. 14-192, Order, 30 FCC Rcd 13272 (Wireline Comp. Bur. 2015); *Petition for Forbearance of Zefcom, LLC d/b/a/ Telispire PCS*, WC Docket No. 09-197, Order, 26 FCC Rcd 16843 (Wireline Comp. Bur. 2011); *NTCH, Inc. Petition for Forbearance From 47 U.S.C. § 214(e)(5) and 47 C.F.R. § 54.207(b)*, WC Docket No. 09-197, Order, 26 FCC Rcd 6735 (Wireline Comp. Bur. 2011).